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Attorney for Ignacio Galvan-Benavides

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

UNITED STATES OF AMERICA,  
Plaintiff,

v.

IGNACIO GALVAN-BENAVIDES,  
Defendant.

) Case No. CR 08-00627-JW  
)  
)  
)  
) STIPULATION AND (PROPOSED)  
) ORDER CONTINUING STATUS  
) **CONFERENCE AND EXCLUDING TIME**  
) **UNDER SPEEDY TRIAL ACT**  
) **18 USC § 3161**  
)

Plaintiff United States of America, by and through Assistant United States Attorney, Daniel Kaleba, and defendant Ignacio Galvan-Benavides, by and through his attorney Michelle D. Spencer, hereby agree and stipulate that this matter be continued from October 27, 2008 at 1:30 p.m. to November 17, 2008 at 1:30 p.m.

Defense counsel will be occupied in a trial in Santa Cruz County commencing on October 27, 2008. Accordingly, the parties agree and stipulate that the period of time from October 27, 2008 through and including November 17, 2008, shall be excluded from the period of time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

The parties agree that a continuance is needed for continuity of counsel and effective

1 preparation.

3 JOSEPH P. RUSSONIELLO

4 United States Attorney

5 Date: October 23, 2008

6 /s/  
DANIEL KALEBA  
Assistant United States Attorney

8 Date: October 23, 2008

9 /s/  
MICHELLE D. SPENCER  
Attorney for Ignacio Galvan Benavides

12 ~~X PROPOSED~~ ORDER

13 Based upon the foregoing Stipulation, and good cause appearing therefor,

14 IT IS HEREBY ORDERED THAT the status conference set for October 27, 2008 shall be  
15 continued to November 17, 2008 at 1:30 p.m.

16 IT IS FURTHER ORDERED that the period of time from October 27, 2008 through and  
17 including November 17, 2008 shall be excluded from the period of time within which trial must  
18 commence under the Speedy Trial Act, 18 U.S.C. 3161 et seq. Based upon the statutory provision  
19 therein, including that time is needed for continuity of counsel and effective preparation. The Court  
20 finds pursuant to Title 18, United States Code, Section 3161(h)(8)(A), considering the factors set  
21 forth therein, that the interests of justice in granting this continuance outweigh the defendant's and  
22 public's interests in a speedy trial inasmuch as the parties need additional time for continuity of  
23 counsel and effective preparation.

24 IT IS SO ORDERED.

25 Date: October 23, 2008

26   
HON. JAMES WARE  
United States District Judge